PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINAR AMINING AUTHORITY To: NU SWABEY OGILVY REHAULT OGILVY RENAULT Suite 1600 KEPLY TO! 1981 McGill College Avenue WRITTEN OPINION MAY 0 3 2004 Montréal, Québec H3A 2Y3 CANADA (PCT Rule 66) DUE ON JUL 2 6 2004 90 Date of mailing (day/month/year) 26.04.2004 file reference ENAU Applicant's or agent's within 3 month(s) REPLY DUE QUEBEC 14149-12PCT from the above date of mailing International application 10 /17 177 International filing date (day/month/year) Priority date (day/month/year) PCT/CA 03/01146 29.07.2003 29.07.2002 International Patent Classification (IPC) or both national classification and IPC C12N15/82 Applicant UNIVERSITE LAVAL et al. This written opinion is the first drawn up by this International Preliminary Examining Authority. 1. This opinion contains indications relating to the following items: \boxtimes Basis of the opinion II 111 Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Lack of unity of invention Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement Certain documents cited Certain defects in the international application Certain observations on the international application 3. The applicant is hereby invited to reply to this opinion. When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d). By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. How? For the form and the language of the amendments, see Rules 66.8 and 66.9. Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 29.11.2004 Name and mailing address of the international Authorized Officer preliminary examining authority:



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Bilang, J

Formalities officer (incl. extension of time limits)

Faux, K

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	· tn	lith regard to the elen e receiving Office in r ed"): .	n ents of response	the international app to an invitation und	llication <i>(Replac</i> er Article 14 are	ement sheets v referred to in th	vhich have be nis opinion as	en fu rn ished "originally	to
	De	escription, Pages							
	1-		·.	as originally filed					
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	CI	aims, Numbers					•	•	·
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	Dr	awings, Sheets			·				
		-4/4		as originally filed	·			•	
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2.	With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.								
	These elements were available or furnished to this Authority in the following language: , which is:								
		the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).							
3.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:								
		contained in the international application in written form.							
		filed together with th	ne intern	ational application in	computer reada	able form.			
		furnished subseque	ntly to th	is Authority in writte	n form.			· · · · · · · · · · · · · · · · · · ·	
٠		furnished subseque	ntiy to th	is Authority in comp	uter readable for	rm.			
		The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.							
		The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.							
4.	The	amendments have r	esulted	in the cancellation of	•				
		the description,	pages:				•		
		the claims.	Nos.:	·				,	
		the drawings,	sheets:						

This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

5. 🗆

- V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Claims

Inventive step (IS)

Claims

Industrial applicability (IA)

Claims

2. Citations and explanations

see separate sheet



- 1. The present application is concerned with a method of enhancing the nutritive value of a plant (or part thereof). The method comprises the step of neutralizing the activity of enzymes responsible for the proteolytic degradation of endogenous proteins with an inhibitor released from the plant.
- 2. None of the available prior art documents discloses a method according to claim 1 of the present application.
- 3. However, there are some doubts whether the application can be reduced to practise over the whole range claimed. In the prior art, reference is made to the increase of nutritional value through the inhibition of a proteinase inhibitor, which leads to increased degradation of endogenous proteins. This authority therefore concludes that the inhibition of protein degradation is not always linked to an enhanced nutritive value.
 - Moreover, it should be noted that the application does not demonstrate that the nutritive value would indeed be enhanced.